

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
FELIPE RODRIGUEZ,

Plaintiff,

- against -

THE CITY OF NEW YORK,
METROPOLITAN TRANSPORTATION
AUTHORITY, LONG ISLAND RAIL
ROAD COMPANY, JOHN BEISEL, in his
individual and official capacities; THOMAS
SULLIVAN,
in his individual and official capacities;
CHARLES WENDEL, in his individual and
official capacities; JERRY FENNEL, in his
individual and official capacities; JOHN
CALIFANO, in his individual and official
capacities; JOHN WILDE, in his individual
and official capacities; GEORGE
ZAROOGIAN, in his individual and official
capacities; and OTHER AS-YET-
UNKNOWN POLICE
OFFICERS & SUPERVISORS JOHN and
JANE DOES # 1–10,

Defendants.

21 Civ. 1649 (AMD)(RLM)


**NOTICE OF MOTION TO
DISMISS THE AMENDED
COMPLAINT**

PLEASE TAKE NOTICE, that upon the Declaration of Steven M. Silverberg, Esq., and the accompanying exhibits, and the Memorandum of Law in Support of the MTA Defendants’ Motion for Summary Judgment, and all prior proceedings in this case, Defendants Metropolitan Transportation Authority (“MTA”), Long Island Rail Road Company (“LIRR”) and retired Detectives Thomas Sullivan and Charles Wendel (together “MTA Defendants”), by and through their counsel Hoguet Newman Regal & Kenney, LLP, will move this Court, before the Honorable Ann M. Donnelly, at the United States Courthouse for the Eastern District of New

York, 225 Cadman Plaza East, for an order, pursuant to Rule 12 of the Federal Rules of Civil Procedure, granting dismissal in favor of the MTA Defendants on Counts I, II, IV, V, and X¹ as alleged against them with prejudice, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to a Scheduling Order, dated August 2, 2021, Plaintiff's opposition papers, if any, are to be served on or before September 28, 2021, and MTA Defendants' reply papers are to be served on or before October 12, 2021. (*See* ECF Scheduling Order, dated Aug. 2, 2021.)

Dated: New York, New York
September 7, 2021

By: 
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¹ At this time, Defendants Sullivan and Wendel are not seeking dismissal of Counts III and IV as alleged against them, but reserve their right seek dismissal at a later time. The instant motion is fully-dispositive as to all claims alleged against Defendants MTA and LIRR.